

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CRIMINAL No. 95-0104 LH

RAMON MONTANO,

Defendant.


MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court on Defendant's Motion to Reduce Sentence Pursuant to Drug Guideline Amendment (ECF No. 448), filed July 22, 2015. Having reviewed Defendant's Motion, the record in this matter, and the applicable law, the Court finds that the Motion must be **dismissed for lack of jurisdiction**.

The parties agree, as does the Court, that application of Amendment 782 does not lower the sentencing range applicable to Defendant. Therefore, the Court does not have jurisdiction to reduce his sentence. *See, e.g., United States v. White*, 765 F.3d 1240, 1246 (10th Cir. 2014) ("As the plain language of the statute makes clear, a 'district court is authorized to reduce a sentence under § 3582(c)(2) *only if* the defendant was originally 'sentenced to a term of imprisonment *based on a sentencing range* that has subsequently been lowered by the Sentencing Commission.'" (emphasis in original)).

WHEREFORE,

IT IS HEREBY ORDERED that Defendant's Motion to Reduce Sentence Pursuant to Drug Guideline Amendment (ECF No. 448), filed July 22, 2015, is **DISMISSED FOR LACK OF JURISDICTION**.



SENIOR UNITED STATES DISTRICT JUDGE